

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

MFA.No. 685 of 1996(B)

E.P.NO.13/95 ON OS 1/94 OF THE FAMILY COURT, THRISSUR.

APPELLANT:

UNNIKRISHNAN, S/O. MANAYATH SANKARAN, ALA DESOM SREE
NARAYANAPURAM, KODUNGALLOOR TALUK - TRICHUR.

BY ADV. SRI.A.K.CHINNAN

RESPONDENTS:

SREEJA, AGED 16, D/O. MANAYATH UNNIKRISHNAN, MINOR REPRESENTED
BY HER DEFACTO GUARDIAN PRAMEELA, HIGH SCHOOL TEACHER,
D/O. KARAPPAN, KOTTANELLUR, MUKUNDAPURAM TALUK.
(IT IS RECORDED AS PER ORDER DATED 15.10.1999 ON CMA NO.5654/1999 THAT THE
RESPONDENT HAD ATTAINED MAJORITY.)

BY

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 15/6/2007 , THE COURT ON 15/06/2007 DELIVERED THE
FOLLOWING:

Kurian Joseph & T.R. Ramachandran Nair, JJ.

M.F.A.NO.685 OF 1996-B

Dated this the 15th day of June, 2007

JUDGMENT

T.R. Ramachandran Nair, J.

This appeal is filed against the order dated 2.4.1996 in E.P.No.13/1995 in O.S. No.1/1994 of the Family Court, Thrissur.

2. The appellant is the judgment debtor and as per the decree, maintenance was awarded to the decree holder at the rate of Rs.500/- per month. The Execution Petition was filed for execution of the decree claiming amounts for 22 months (total of Rs.11,000/-). During the pendency of the execution petition, the appellant had remitted a sum of Rs.7,500/- through court. The balance amount was Rs.3,500/- plus cost of execution. The only objection was that he had paid Rs.2,500/- by way of cheques out of court and that had to be adjusted. The court below found that the said amount, if any paid, cannot be accounted as it was not got certified as prescribed under Order XXI Rule 2 C.P.C. Accordingly, it was found that those payments even if true, no credit can be given to it.

3. Even though the appellant has raised various grounds in the appeal, we find no merits in them. The view taken by the court below is in

accordance with the provisions contained in Order XXI Rule 2 C.P.C. He could not substantiate his contentions by tendering any evidence. Therefore, the court below has acted perfectly within its jurisdiction in passing the impugned order in the execution petition.

Therefore, the appeal is without any merit and the same is dismissed without any order as to costs.

(Kurian Joseph, Judge.)

(T.R. Ramachandran Nair, Judge.)

kav/

Kurian Joseph &

T.R. Ramachandran Nair, JJ.

M.F.A..NO.685 OF 1996-B

JUDGMENT

15th day of June, 2007